Case 2:15-cv-0592 CLD DL DOOM DERICAL 10/30/15 Page 1 of 11 APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS TANYA BAKER				DEFENDANTS CAVALRY SPV I, LLC & VISION FINANCIAL CORP.					
(c) Attorney's (Firm Name, A	First Listed Plaintiff PH XCEPT IN U.S. PLAINTIFF CA Address, and Telephone Number) berth Avenue, Suite 101, Narbert	SES) Andrew M. Milz, Esq.,,		NOTE: IN LAI	(IN ND CON	rst Listed Defendant N U.S. PLAINTIFF CASES C NDEMNATION CASES, USI DLVED.	•	– I OF THE	
II. BASIS OF JURISD	ICTION (Place an "X" in O	ne Box Only)	III. CIT			CIPAL PARTIES(F			
□1 U.S. Government Plaintiff	☑ 3 Federal Question (U.S. Government N	Not a Party)	PTF Citize	(For Diversity Cases Or n of This State	nly)	DEF 1 Incorporated or Proof Business In This		Defendan PTF 4	t) DEF □4
U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenshi)	o of Parties in Item III)	Citize	n of Another State	□ 2	2 Incorporated and		□ 5	□ 5
				n or Subject of a preign Country	□ 3	☐ 3 Foreign Nation		□ 6	□ 6
IV. NATURE OF SUIT	(Place an "X" in One Box Only								
CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overnavment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overnavment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product	PERSONAL INJUR 362 Personal Injury - Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERT 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITIONS 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Othe 550 Civil Rights	Y 611 622 623 634 64	EITURE/PENALTY O Agriculture O Other Food & Drug 5 Drug Related Seizure of Property 21 USC 881 O Liduor Laws O R.R. & Truck O Airline Regs. O Occupational Safety/Health O Other LABOR O Fair Labor Standards Act O Labor/Mgmt. Relations O Labor/Mgmt. Reporting & Disclosure Act O Railway Labor Act O Other Labor Litigation I Empl. Ret. Inc. Security Act	422 Appeal 28 USC 158		400 State Rea 410 Antitrust 430 Banks and 450 Commerc 460 Deportation 470 Racketeer Corrupt Org 480 Consumer 490 Cable/Sat 810 Selective	ks and Banking nmerce ortation keteer Influenced and upt Organizations sumer Credit le/Sat TV tetive Service arities/Commodities/ ange tomer Challenge SC 3410 er Statutory Actions icultural Acts ironmental Matters rgy Allocation Act ironmental Matters rgy Allocation Act edom of Information er Equal Access titice stitutionality of	
		emanded from 4 opellate Court	Reinstate Reopened	(specify)	district	☐6 Multidistrict ☐7 Litigation	Appeal to Distr Judge from Ma Judgment		
VI. CAUSE OF ACTION	Brief description of cause			J					
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A UNDER F.R.C.P. 23	DEN	MAND \$		CHECK YES only if demanded in complaint JURY DEMAND: ☑ Yes ☐ No.				
VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE			DOC	KET NUMBER			
10/30/15		SIGNATURE OF ATT	ORNEY O	FRECORD					
OR OFFICE USE ONLY RECEIPT # AN	MOUNT	APPLYING IFP		JUDGE		MAG. JUDO	GE		

APPENDIX I

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

TANYA BAKER

: CIVIL ACTION

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Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits (
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Case 2:15-cv-05928-LDD Document 1 Filed 10/30/15 Page 3 of 11 UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 5430 Osage Avenue, Philadelphia, PA 19143-1413	
Address of Defendant: 500 Summit Lake Drive, Suite 400, Valhalla, NY 105	595
Place of Accident, Incident or Transaction:5430 Osage Avenue. Philadelphi	
i.	(Use Reverse Side For Addittonal Space)
Does this civil action involve a nongovernmental corporate party with any parent (Attach two copies of the Disclosure Statement Form in accordance with Fed.)	corporation and any publicly held corporation owning 10% or more of its stock? R.Civ.P. 7.1(a) Yes ☐ No ☒
Does this case involve multidistrict litigation possibilities?	Yes No 🗵
RELATED CASE, IF ANY:	
Case Number: Judge	Date Terminated:
Civil cases are deemed related when yes is answered to any of the following qu	questions:
1. Is this case related to property included in an earlier numbered suit pendir	ng or within one year previously terminated action in this court?
The second secon	Yes \square No \boxtimes
2. Does this case involve the same issue of fact or grow out of the same transaction in this court?	saction as a prior suit pending or within one year previously terminated Yes □ No ☒
3. Does this case involve the validity or infringement of a patent already in su	ait or any earlier numbered case pending or within one year previously
terminated action in this court?	Yes □ No 🏻
CIVIL: (Place ☑ in ONE CATEGORY ONLY)	
A. Federal Question Cases:	B. Diversity Jurisdiction Cases:
1. Indemnity Contract, Marine Contract, and All Other Contracts	1. Insurance Contract and Other Contracts
2. FELA	2. Accept Defending
3. ☐ Jones Act-Personal Injury 4. ☐ Antitrust	3. Assault, Defamation
5. ☐ Patent	4. Marine Personal Injury 5. Motor Vehicle Personal Injury
5. ☐ Labor-Management Relations	6. ☐ Other Personal Injury (Please specify)
7. Civil Rights	7. Products Liability
B. Habeas Corpus	8. Products Liability (Asbestos)
P. ☐ Securities Act(s) Cases	9. All other Diversity Cases
10. Social Security Review Cases	(Please specify)
11. All other Federal Question Cases	(Touse specify)
(Please specify) FDCPA, 15 USC § 1692	
• • • • • • • • • • • • • • • • • • • •	ON CERTIFICATION
	propriate Category)
, counsel of record do hereby	
action case exceed the sum of \$150,000.00 exclusive of interest and c	to the best of my knowledge and belief, the damages recoverable in this civil costs;
Relief other than monetary damages is sought	
DATE:	
Attorney-at-Law	Attorney I.D.
NOTE: A trial de novo will be a trial by jury	y only if there has been compliance with F.R.C.P. 38.
certify that, to my knowledge, the within case is not related to any case not	now pending or within one year previously terminated action in this court except 20 77 / S Attorney I.D.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TANYA BAKER 5430 Osage Avenue Philadelphia, PA 19143-1413

Plaintiff,

VS.

CIVIL ACTION

CAVALRY SPV I, LLC 500 Summit Lake Drive Suite 400 Valhalla, NY 10595

NO.

and

VISION FINANCIAL CORP. 11960 Westline Industrial Drive Suite 330 Maryland Heights, MO 63146

Defendants.

COMPLAINT

I. <u>INTRODUCTION</u>

- 1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").
- 2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.
- 3. Defendants are subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. JURISDICTION

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as Defendants regularly do business in this district and have caused harm in this district.

III. PARTIES

- 6. Plaintiff Tanya Baker ("Plaintiff" or "Baker") is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.
- 7. Defendant Cavalry SPV I, LLC ("Defendant" or "Cavalry") is a limited liability company with a principal place of business at the address captioned.
- 8. Defendant Vision Financial Corp. ("Defendant" or "Vision") is a nationwide debt collector with a principal place of business at the address captioned.
- 9. Defendants regularly engage in the collection of consumer debts using the mails and telephone, and/or purchase consumer debts after default for the purpose of collection.
 - 10. Defendants regularly attempt to collect consumer debts alleged to be due another.
- 11. Defendants are "debt collectors" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

- 12. On or about January 5, 2015, Defendant Vision mailed a collection notice to Plaintiff in an attempt to collect a consumer debt alleged due to Cavalry. A copy of the January 5, 2015 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. 5.2).
- 13. Cavalry, a debt collector, is vicariously liable for the actions of Vision, a debt collective acting on Cavalry's behalf.
- 14. The January 5, 2015 collection letter was mailed by Vision to Plaintiff in a window envelope.

- 15. Visible through the glassine return address window of the envelope there is a bar code which when read or scanned, reveals the consumer's unique account number (ending in 2359).
- 16. The account number (ending in 2359) constitutes personal identifying information.
- 17. The bar code visible through the window could be easily scanned by anyone with a smartphone as scanning applications (or "Apps") are readily available to the public for free.
- 18. With one touch, anyone could scan the bar code and access Plaintiff's personal account number
 - 19. 15 U.S.C. § 1692f(8) prohibits a collector from:

"Using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mails or telegram, except that a debt collector may use his business name if such name does not indicate that he is in the debt collection business."

- 20. The collection communication utilized by Defendants conveyed such information, thereby violating this provision of the Act.
- 21. The account number is a piece of information capable of identifying Baker as a debtor, and its disclosure has the potential to cause harm to a consumer that the FDCPA was enacted to address.

COUNT I

(FAIR DEBT COLLECTION PRACTICES ACT)

- 22. Plaintiff repeats the allegations contained above as if the same were here set forth at length.
- 23. The acts by Defendants described above violated the Fair Debt Collection Practices Act by the use of language or a symbol other than the debt collector's name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail, in violation of 15 U.S.C. § 1692f, § 1692f(8).

WHEREFORE, Plaintiff Tanya Baker demands judgment against Defendants Cavalry SPV I, LLC and Vision Financial Corp. for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

VII. JURY DEMAND

Pursuant to Fed.R.Civ.P. 38, Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

DATE:

ANDREW M. MILZ CARY L. FLITTER

Attorneys for Plaintiff

FLITTER LORENZ, P.C.

450 N. Narberth Avenue, Suite 101

Narberth, PA 19072

(610) 822-0782

EXHIBIT "A"

Case 2:15-cv-05928-LDD Document 1 Filed 10/30/15 Page 9 of 11



P.O. Box 7477 Rockford IL 61126-7477 ELECTRONIC SERVICE REQUESTED Vision
Financial Corp.

A National Debt Collection Agency

877-342-0437 Monday - Friday 8am to 8pm CST

January 5, 2015

<u>Նովիիկիցակն կուինիայունիրիկներնին հարևին</u>

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TANYA BAKER 5430 OSAGE AVE PHILADELPHIA PA 19143-1413



Current Creditor: Cavalry SPV I, LLC

Original Creditor: GE Capital Retail Bank/Amazon.com

Account Balance: \$869.09 Settlement: \$599.67

Account #:
Vision Account #:

1939****

Dear TANYA BAKER:

Cavalry SPV I, LLC has purchased your account and all rights to the debt receivable from GE Capital Retail Bank/Amazon.com. There is an outstanding balance due of \$869.09 which has been listed for collection with Vision Financial Corp.

Cavalry Portfolio Services has authorized Vision Financial Corp. to communicate to you an offer that will allow you to resolve the outstanding debt at this time.

Cavalry Portfolio Services will accept \$599.67 to resolve this debt. You may take advantage of this offer by contacting us at 877-342-0437. Once payment is processed and applied to the account, the account will be considered Settled in Full. You will be released from any further financial liability to Cavalry Portfolio Services concerning repayment of this account.

You may also take advantage of this offer online at www.paybalance.com and your account will be properly credited.

Nothing in this offer should be considered to impact your right to request validation or dispute the debt as described more fully below.

Should you choose not to accept this offer, your balance may be periodically increased due to the addition of accrued interest or other charges as provided for in your agreement with the original creditor or as otherwise provided by state law.

Sincerely, David Hensley Senior Vice President of Operations

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose. Calls to and from this company may be monitored and recorded for quality assurance.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume the debt is valid. If you notify this office in writing within 30 days from receiving this notice that you are disputing either the entire debt or a portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment verification. If you request of this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

*** PLEASE DETACH HERE AND RETURN BOTTOM STUB WITH PAYMENT IN ENCLOSED ENVELOPE. ***

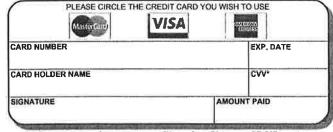
SEE REVERSE SIDE FOR IMPORTANT STATE AND FEDERAL INFORMATION -

TANYA BAKER 5430 OSAGE AVE PHILADELPHIA PA 19143-1413

Current Creditor: Cavalry SPV I, LLC

Account Balance: \$869.09 Settlement: \$599.67 Account #: 1939****

Vision Account #: 2359



Information Industrial Industrial



12345678-003038-01-1-AA

ALL CREDIT CARD PAYMENTS MUST INCLUDE CVV

*CVV - 3 DIGIT SECURITY CODE SIGNATURE AREA ON
BACK OF CREDIT CARD

CALIFORNIA: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

COLORADO: A Consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease further communication will not prohibit the debt collector or

collection agency from taking any other action authorized by law to collect the debt.
FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.COLORADOATTORNEYGENERAL.GOV/CA

Ruth Schirmer Colorado Manager, Inc. 80 Garden Center, Suite 3 Broomfield, CO 80020 (303) 920-4763 office (303) 920-4767 fax

MASSACHUSETTS: ADDRESS: 5301 E STATE ST LOWER LEVEL ROCKFORD IL 61108. OFFICE HOURS: MONDAY-THURSDAY: 9AM - 10PM EST, FRIDAY: 9 AM-5 PM EST, SATURDAY: 9 AM-1PM EST. NOTICE OF IMPORTANT RIGHTS: you have the right to make a written request or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

MINNESOTA: THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

NEW YORK: New York City Department of Consumer Affairs Number 1179146

NORTH CAROLINA: North Carolina Permit Number 4424: 5301 E State St. Lower Level, Rockford, IL 61108

North Carolina Permit Number 102542: 11960 Westline Industrial Drive, Suite 330, St Louis, MO 63146

TENNESSEE: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance.

WASHINGTON: Vision Financial Corp.

5301 E. State St. Lower Level, Rockford IL 61108

Business ID: 602-420-043

Location 1

11960 Westline Industrial Drive Suite 330, Maryland Height, MO 63146

Business ID: 602-420-043

Location 2

Vision Financial Corp. correspondence email address: info@visionfinancialcorp.com

Your check is welcome, by sending us your check, you are accepting our check acceptance policy. It is our company policy that upon receipt, your check may be converted into an electronic debit and processed through the Automated Clearing House under Federal Reserve rules. Receipt of your check by us will be your authorization for us to debit your account electronically, which will likely be posted to your account the following day. If you do not wish to have your check converted, please contact us at 1866-591-0300 or provide another form of payment, i.e. cash or a credit card. In the unlikely event your check is returned unpaid, you also understand and agree that your check may be electronically re-deposited up to two more times or if necessary re-deposited by paper draft. You also understand and agree that we may collect a return check processing charge by the same means, in an amount not to exceed that as permitted by state law.

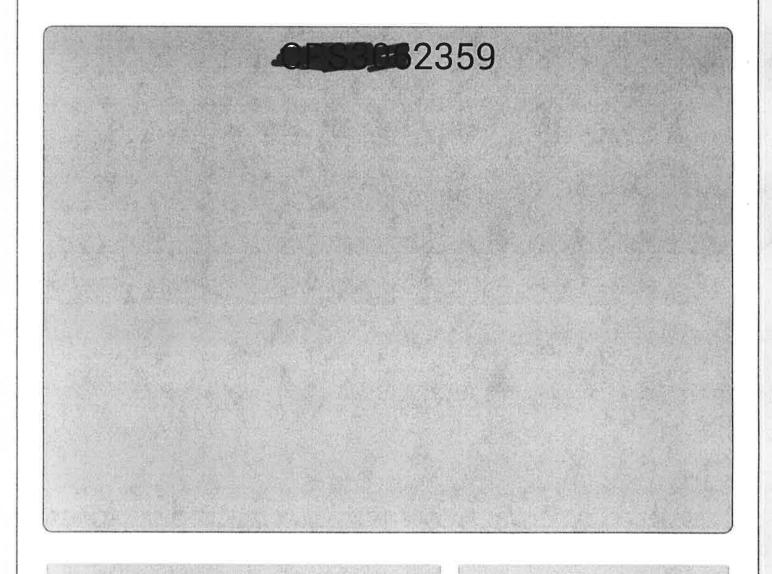


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